

Substitute House Bill No. 5501

House of Representatives, April 16, 1998. The Committee on Appropriations reported through REP. DYSON, 94th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING ZERO-TOLERANCE DRUG SUPERVISION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Not later than October  
2 1, 1998, the chairman of the Board of Parole,  
3 shall establish a pilot zero-tolerance drug  
4 supervision program. Eligibility for participation  
5 in the program shall be limited to individuals who  
6 are eligible for release on parole in accordance  
7 with section 54-125b of the general statutes and  
8 shall be based upon criteria, including a limit on  
9 the maximum number of eligible participants,  
10 established by the chairman of the Board of  
11 Parole.

12 (b) Any person entering such program shall,  
13 as a condition of participating in such program,  
14 agree to: (1) Submit to periodic urinalysis drug  
15 tests, (2) detention in a halfway house facility  
16 for a period of two days each time such test  
17 produces a positive result, and (3) comply with  
18 all rules established by the halfway house if  
19 detained in such facility.

20 (c) Participants in the zero-tolerance drug  
21 supervision program shall submit to periodic  
22 urinalysis drug tests. If the test produces a

23 positive result, the participant may be detained  
24 in a halfway house facility for a period of two  
25 days.

26 (d) Any person who has submitted to a  
27 urinalysis drug test pursuant to subsection (c) of  
28 this section that produced a positive result may  
29 request that a second urinalysis drug test be  
30 administered, at such person's expense, to confirm  
31 the results of the first test, except that if the  
32 participant is determined to be indigent, based  
33 upon financial affidavits, the Board of Parole  
34 shall pay the cost of the test. The second drug  
35 test shall be a urinalysis drug test, separate and  
36 independent of the initial test. If such second  
37 test does not produce a positive result, the fee,  
38 if paid, shall be refunded to the participant.

39 (e) If at any time during participation in  
40 the zero-tolerance drug supervision program, the  
41 chairman of the Board of Parole determines that  
42 the public safety will be served by the  
43 incarceration of a participant, such participant  
44 may be remanded to a correctional facility.

45 Sec. 2. (NEW) (a) Not later than October 1,  
46 1998, the Commissioner of Correction shall  
47 establish a pilot zero-tolerance drug supervision  
48 program. Eligibility for participation in the  
49 program shall be limited to individuals who are  
50 eligible for participation in a community release  
51 program pursuant to section 18-100c of the general  
52 statutes and shall be based upon criteria,  
53 including a limit on the maximum number of  
54 eligible participants, established by the  
55 Commissioner of Correction.

56 (b) Any person entering such program shall,  
57 as a condition of participating in such program,  
58 agree to: (1) Submit to periodic urinalysis drug  
59 tests, (2) detention in a halfway house facility  
60 for a period of two days each time such test  
61 produces a positive result, and (3) comply with  
62 all rules established by the halfway house if  
63 detained in such facility.

64 (c) Participants in the zero-tolerance drug  
65 supervision program shall submit to periodic  
66 urinalysis drug tests. If the test produces a  
67 positive result, the participant may be detained  
68 in a halfway house facility for a period of two  
69 days.

70 (d) Any person who has submitted to a  
71 urinalysis drug test pursuant to subsection (c) of  
72 this section that produced a positive result may  
73 request that a second urinalysis drug test be  
74 administered, at such person's expense, to confirm  
75 the results of the first test, except that if the  
76 participant is determined to be indigent, based  
77 upon financial affidavits, the Department of  
78 Correction shall pay the cost of the test. The  
79 second drug test shall be a urinalysis drug test,  
80 separate and independent of the initial test. If  
81 such second test does not produce a positive  
82 result, the fee, if paid, shall be refunded to the  
83 participant.

84 (e) If at any time during participation in  
85 the zero-tolerance drug supervision program, the  
86 Commissioner of Correction determines that the  
87 public safety will be served by the incarceration  
88 of a participant, such participant may be remanded  
89 to a correctional facility.

90 Sec. 3. (NEW) (a) Not later than October 1,  
91 1998, the Chief Court Administrator shall  
92 establish a pilot zero-tolerance drug supervision  
93 program. Eligibility for participation in the  
94 program shall be limited to individuals who are  
95 eligible to be sentenced by the court to a period  
96 of probation, pursuant to section 53a-29 of the  
97 general statutes, and have been ordered by the  
98 court, as a condition of such probation, to  
99 participate in the program and shall be based upon  
100 criteria, including a limit on the maximum number  
101 of eligible participants, established by the Chief  
102 Court Administrator.

103 (b) Any person entering such program shall,  
104 as a condition of participating in such program,  
105 agree to: (1) Submit to periodic urinalysis drug  
106 tests, (2) detention in a halfway house facility  
107 for a period of two days each time such test  
108 produces a positive result, (3) comply with all  
109 rules established by the halfway house if detained  
110 in such facility, and (4) waive the right to a  
111 hearing.

112 (c) Participants in the zero-tolerance drug  
113 supervision program shall submit to periodic  
114 urinalysis drug tests. If the test produces a  
115 positive result, the participant shall be detained  
116 in a halfway house facility for a period of two  
117 days.

118 (d) Any person who has submitted to a  
119 urinalysis drug test pursuant to subsection (c) of  
120 this section that produced a positive result may  
121 request that a second urinalysis drug test be  
122 administered, at such person's expense, to confirm  
123 the results of the first test, except that if the  
124 participant is determined to be indigent, based  
125 upon financial affidavits, the Judicial Department  
126 shall pay the cost of the test. The second drug  
127 test shall be a urinalysis drug test, separate and  
128 independent of the initial test. If such second  
129 test does not produce a positive result, the fee,  
130 if paid, shall be refunded to the participant.

131 (e) A participant enrolled in the  
132 zero-tolerance drug supervision program may be  
133 charged with a violation of probation, if the  
134 participant's probation officer determines that  
135 the participant has violated the conditions of  
136 probation or the conditions of the program.

137 Sec. 4. (NEW) Not later than January 1, 2000,  
138 the chairman of the Board of Parole, the  
139 Commissioner of Correction and the Chief Court  
140 Administrator shall submit a report on the pilot  
141 zero-tolerance drug supervision program to the  
142 joint standing committee of the General Assembly  
143 having cognizance of matters relating to criminal  
144 justice.

145 JUD COMMITTEE VOTE: YEA 36 NAY 0 JFS C/R APP  
146 APP COMMITTEE VOTE: YEA 50 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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# **FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5501**

STATE IMPACT                      Implements a Provision in the Budget, see below

MUNICIPAL IMPACT                None

STATE AGENCY(S)                Judicial Department, Board of Parole, Department of Correction, Department of Mental Health and Addiction Services

	Current FY	1998-99	1999-2000
State Cost	:	:	:
(savings)	:	420,000	:
St Revenue	:	:	:
(loss)	:	:	:
Net St Cost	:	:	:
(savings)	:	:	:
Municipal	:	:	:
Impact	:	:	:

## **EXPLANATION OF ESTIMATES:**

Funds, in the amount of \$420,000, have been included within SHB 5021 (the Revised FY 1998-99 Appropriations Act as favorably reported by the Appropriations Committee) for a pilot drug probation and parole program. The program involves an estimated 250 participants (150 through the Office of Adult Probation and 100 through the Department of Correction (DOC) and Board of Parole (BOP)).

Under SHB 5021, the Judicial Department would receive \$175,000 for three probation officers, expenses and drug testing, DOC would receive \$45,000 for drug testing expenses and the Department of Mental Health and Addiction Services would receive \$200,000 for outpatient drug counseling services. DOC and BOP would absorb the cost of offender supervision and OPM would provide federal funding of about \$250,000 for 20-25 halfway house beds.

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### OLR BILL ANALYSIS

sHB 5501

#### **AN ACT ESTABLISHING ZERO-TOLERANCE DRUG SUPERVISION PROGRAM**

**SUMMARY:** This bill requires the Board of Parole chairman, the Department of Correction commissioner, and the chief court administrator to each establish a pilot zero-tolerance drug supervision program by October 1, 1998 for individuals who are eligible for administrative parole, community service, and probation, respectively. Participants must also meet other program eligibility criteria. The chairman, commissioner, and administrator may establish any criteria, including setting a limit on the number of eligible participants. Probationers can participate in the program only if they are ordered to do so as a condition of probation.

By January 1, 2000, the chairman, commissioner, and administrator must each submit a report on the pilot program to the Judiciary Committee.

EFFECTIVE DATE: October 1, 1998

#### **FURTHER EXPLANATION**

##### **Program Conditions**

As condition of participating in the programs, eligible participants must agree to:

1. submit to periodic urinalysis drug tests,

2. detention in a halfway house for up to two days each time they test positive, and
3. comply with all halfway house rules when detained.

Probationers who participate must also agree to waive their rights to a hearing. The waiver would allow probationers who are charged with violating their probations because of a program violation to be sentenced without a hearing.

### **Program Participation**

Program participants must submit to periodic urinalysis drug tests. Participants who test positive may request a second urinalysis test to confirm the first. The second test must be separate and independent of the first. The participant must pay for the second test unless he is indigent, in which case the agency conducting the program must pay. If the second test does not produce a positive result, any costs the participant paid must be refunded.

If a test produces a positive result, the participant may be detained in a halfway house for up to two days. (The bill does not specify a timeframe for requesting or administering a second test. It also does not indicate whether detention in a halfway is delayed until the second test has been administered and the results determined.)

The chairman or commissioner, as the case may be, can remand parolees and community service participants to a correctional facility when the public safety will be served by incarceration. Probationers may be charged with a probation violation if their probation officer determines that they violated probation or program conditions.

### **BACKGROUND**

#### **Administrative Parole**

Inmates are eligible for administrative parole if they were sentenced to between two and four years in prison and have served one-half of that time and any mandatory minimum. The board may release them without a hearing

if a parole board employee reviews the case and recommends release. The recommendation must be approved by at least two panel board members. But if a victim objects, a hearing must be held. Inmates are not eligible for administrative parole if they were convicted of any one of a list of felonies covering various degrees of manslaughter, assault, sexual assault, and kidnapping.

### **Community Release Program**

A person is eligible to participate in a community release program if he was sentenced to between two and four years in prison and has served at least one-half of that sentence.

### **Probation**

A court may sentence a person to probation who is convicted of any crime, other than a class A felony, if it determines (1) incarceration is not necessary for public protection; (2) the defendant needs guidance, training, or assistance that can be effectively administered through supervised probation; and (3) probation is not inconsistent with the ends of justice.

### **COMMITTEE ACTION**

#### Judiciary Committee

Joint Favorable Substitute Change of Reference  
Yea 36      Nay 0

#### Appropriations Committee

Joint Favorable Report  
Yea 50      Nay 0